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OFFICE OF PETITIONS

In re Application of :
Eriko Takano et al. :
Application No. 10/017,471 :
Filed: October 23, 2001 : DECISION ON PETITION
Attorney Docket No. 0380- : UNDER 37 C.F.R. §1.181(A)
P02329US1 :
Title: METHODS OF INCREASING :
ANTIBIOTIC PRODUCTION IN :
STREPTOMYCES BY DELETION OF THE :
SCBA GENE :

This is a decision on the petition filed on January 26, 2006, entitled "petition to charge omitted fee to deposit account," which is properly treated as a petition under 37 C.F.R. §1.181(a).

The Office regrets the period of delay in issuing this decision.

The present application was filed on October 23, 2001. On March 15, 2002, the Office mailed a "notice to file missing parts of nonprovisional application," (first notice), which set a two-month period to respond. A response was received on May 31, 2002, which contained a certificate of mailing dated May 14, 2002. On December 9, 2002, the Office sent a "notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures," (second notice) which set a two-month period for response. A response was received on March 11, 2003, along with a one-month extension of time.

With the present petition, Petitioner has indicated that a two-month extension of time was required in order to make timely the response of March 11, 2003.

Decision on Petition under 37 C.F.R. §1.181(a)

The electronic file has been reviewed, and Petitioner's assertion appears to be correct.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**.

On March 12, 2003, Petitioner's Deposit Account was charged the amount of \$110 for the one-month extension of time. Petitioner's Deposit Account will be charged an additional \$340, which is the difference between \$450 (the fee which is currently associated with a petition for a two-month extension of time) and \$110.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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